

REMARKS

Claims 1-6 are pending in this application. No amendment is made in this Response. It is believed that this Response is fully responsive to the Office action dated December 16, 2004.

Claims 1-6 are rejected under 35 U.S.C. §102(a) as being anticipated by Ebara, T. et al. (JP 2002-355030).

Ebara JP '030 is cited under section (a) of 35 U.S.C. 102, since the reference was published on December 10, 2002, and the present application was filed on December 9, 2003. The cited reference corresponds to Japanese application no. 2002-094765, which is listed on the present declaration as a prior foreign application for which foreign priority is not claimed.

Applicant submits that the inventorships of the present application and cited document JP '030 are, in fact, **the same**, although the inventors listed in the Patent Abstracts of Japan translation of JP '030 do not exactly match in spelling the names in the declaration of the present application.

For reference, the listed names are as follows:

Present application

Gaku EHARA
Masaharu KIMURA
Hideji NISHIHASHI
Azusa FUJIE
Shinichi AOYAGI
Makoto HASEGAWA
Masao TANAKA
Tomoko YOKOYAMA

Translation of JP 2002-355030

Takeshi EBARA
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U.S. Patent Application Serial No. **10/730,258**

Reply to OA dated December 16, 2004

Four of the names can be seen to match, but the spellings of the names of the other four inventors differ slightly in the patent application declaration and the listing in the translation of JP '030.

Applicant therefore here submits a Declaration under 37 CFR 1.132, which notes the error in the translation of the inventor's names in the PAJ translation of JP '030, and states that the inventors in JP '030 correspond to the inventors of the present application.

Since the inventorship of JP '030 is **the same** as that of the present invention, JP '030 does not represent invention "by another", and JP '030 cannot serve as prior art under 35 U.S.C. 102(a). Reconsideration and withdrawal of the rejection are respectfully requested.


If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

Enclosure: Declaration Under 37 CFR 1.132

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